

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BAHSID MCLEAN,

Plaintiff,

-v-

HAZEL JENNINGS *et al.*,

Defendants.

19 Civ. 10967 (PAE) (BCM)

OPINION & ORDER

PAUL A. ENGELMAYER, District Judge:

Currently pending is defendant's motion to dismiss *pro se* plaintiff's Second Amended Complaint ("SAC"). Dkts. 66–68 (the "Motion"). The Motion follows a referral by this Court to the Hon. Barbara C. Moses, United States Magistrate Judge. Dkt. 74. Before the Court is the January 19, 2022 Report and Recommendation of Judge Moses, granting the Motion and recommending that the Court dismiss the case with prejudice. Dkt. 78 ("Report"). The Court incorporates by reference the summary of the facts provided in the Report. For the following reasons, the Court adopts the Report's recommendation.

**DISCUSSION**


In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "To accept those portions of the report to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Ruiz v. Citibank, N.A.*, No. 10 Civ. 5950 (KPF), 2014 WL 4635575, at \*2 (S.D.N.Y. Aug. 19, 2014) (quoting *King v. Greiner*, No. 02 Civ. 5810 (DLC), 2009 WL 2001439, at \*4 (S.D.N.Y. July 8, 2009)); *see also, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

As no party has submitted objections to the Report, review for clear error is appropriate. Careful review of Judge Moses's thorough and well-reasoned Report reveals no facial error in its conclusions; the Report is therefore adopted in its entirety. Because the Report explicitly states that "[t]he parties shall have 14 days from this date to file written objections to this Report and Recommendation," and that "[f]ailure to file these timely objections will result in a waiver of such objections and will preclude appellate review."<sup>1</sup> Report at 13. *See Caidor v. Onondaga Cnty.*, 517 F.3d 601, 604 (2d Cir. 2008) (citing *Small v. Sec'y of Health & Hum. Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam)).

### CONCLUSION

For the foregoing reasons, the Court grants the Motion and recommending that the Court dismiss the case with prejudice. The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

  
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PAUL A. ENGELMAYER  
United States District Judge

Dated: February 7, 2022  
New York, New York

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<sup>1</sup> Under Federal Rule of Civil Procedure 6, *pro se* plaintiff has an additional three days, measured from the date on which this Report was mailed to him, to object. The docket sheet shows that the Report was mailed to *pro se* plaintiff on January 20, 2022, giving plaintiff until February 6, 2022. That deadline has now passed.